

HAYNES, Barton F.
Appl. No. 10/730,379
March 29, 2006

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The claims have been amended to define the invention with additional clarity. The claims as presented are fully supported by an enabling disclosure. That the claims have been revised should not be taken as an indication that Applicant agrees with any position expressed by the Examiner. Rather, the revisions have been made merely to advance prosecution and Applicant reserves the right to pursue any deleted subject matter in a continuation application.

Claims 1-9 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is believed to be in order in view of the above-noted revision of claim 1 in a manner that is believed to address the Examiner's concerns. Accordingly, reconsideration is requested.

Claims 1-9 stand rejected under 35 USC 112, first paragraph, as allegedly being non-enabled. Withdrawal of the rejection is believed to be in order in view of the above-noted revision of claims 1 and 3 and comments that follow.

It will be noted that the claims as now presented do not make reference to mimetics. To require that the claims be further restricted would be to unduly limit Applicant in the scope of protection which he is rightly entitled.

The genres as now defined are fully supported by an enabling disclosure. Given the guidance provided by the disclosure (note particularly pages 6 and 7), one skilled in the art could readily select polypeptides having the required binding affinity using standard techniques. No undue experimentation would be required. Accordingly, reconsideration is requested.

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Claims 1-9 stand rejected under 35 USC 112, first paragraph, as allegedly lacking written description. Withdrawal of the rejection is believed to be in order in view of the above-noted revision of claims 1 and 3 and comments that follow.

It will be noted that the claims as now presented do not make reference to mimetics. Given the disclosure provided, particularly that at pages 6 and 7, it would be clear that Applicant had possession of the subject matter for which protection is sought at the time the application was filed. Accordingly, reconsideration is requested.

Claims 1-9 stand rejected under 35 USC 102(e) as allegedly being anticipated by USP 6,762,030. Withdrawal of the rejection is in order for the reasons that follow.

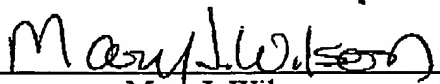
The instant claims are drawn to a method of enhancing a vaccine-induced immune response in a mammal receiving the vaccine. The Examiner has not pointed out where in the cited reference these limitations are found. The Examiner is requested to so indicate so that Applicant will be in a position to respond, or withdraw the rejection..

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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